

Policy Guidelines for the Review and Approval of ACEC Resource Management Plans

Introduction

The Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) is authorized to designate Areas of Critical Environmental Concern (ACECs) under M.G.L. c.21A, s.2(7) and St. 1974, c.806, s.40(e). The ACEC regulations at 301 CMR 12.00 describe the procedures for the review and designation of ACECs and the general effects and policies for EOEEA actions within designated ACECs.

The general purpose of ACEC designation is to preserve, restore or enhance the resources of an ACEC. Sound resource management planning for ACECs can guide and help EOEEA agencies, municipalities, community groups and environmental organizations, individual citizens and the general public achieve these goals. Therefore it is EOEEA policy to support and encourage the development of resource management plans for ACECs.

To implement this policy, to encourage public participation and review of resource management plans prepared for ACECs, and to address the requirements of the Waterways (Chapter 91) Regulations at 310 CMR 9.3(1)(e)(4)(c) for resource management plans to be "adopted by the municipality and approved by the Secretary," these guidelines are provided for the public review and Secretarial approval of ACEC resource management plans.

Guidelines

The guidelines generally follow the procedures and process described in the ACEC regulations for the review and designation of ACECs.

- An ACEC resource management plan may be submitted to the Secretary of Energy and Environmental Affairs for review and approval by a Board of Selectmen, City Council, Mayor, Planning Board, or Conservation Commission of a city or town affected by the ACEC designation, or by a state or regional planning agency.
- The Department of Conservation and Recreation, or DCR (formerly the Department of Environmental Management, or DEM), administers the ACEC Program on behalf of the Secretary. Consultation with DCR at the initial stages of plan development is strongly recommended. DCR approval of an outline and scope of work for the plan is required prior to submission of a plan for Secretarial review and approval.
- The Secretary may request and specify additional information within 45 days of the submission of the plan for review and approval. If the plan provides sufficient information, the Secretary will hold a public hearing to receive public comment and testimony regarding the plan.

- The hearing will be held in the locality of the ACEC, and public notice will be published by the Secretary not less than 30 days prior to such hearing in the Environmental Monitor and a newspaper of general circulation in the vicinity of the ACEC. Such notice will also be mailed to the municipal parties listed above, and at the Secretary's discretion, to interested citizens or organizations.
- Secretarial review and approval will be based upon an evaluation of whether the resource management plan addresses the previously approved outline and scope of work, and public comment and testimony received during the course of the review and public hearing.
- The Secretary will make a decision as to whether or not to approve the plan, or portions of the plan, within 30 days of the public hearing. Notice of plan approval will be published in the Environmental Monitor.
- For purposes of meeting the Chapter 91 requirements described above, a plan will be considered to be adopted by a municipality following adoption of the plan by a Mayor and City Council or Board of Selectmen.
- Updates and revisions to approved ACEC resource management plans may be needed. Parties initiating plan updates and revisions should consult with the Department of Conservation and Recreation regarding the need for formal review and approval by the Secretary. Changes to plans which address the Chapter 91 requirements referenced above will require formal plan review and approval.

These guidelines may be waived or modified by the Secretary when in the Secretary's judgment strict adherence to these guidelines would result in an undue hardship and would not serve to further the intent of ACEC designation.

For further information regarding guidelines for preparing resource management plans for ACECs, and further information regarding ACECs and the ACEC Program, please contact the Department of Conservation and Recreation, ACEC Program, 251 Causeway Street, Suite 700, Boston, MA 02114, 617-626-1394, or visit the ACEC Program website at <http://www.mass.gov/dcr/stewardship/acec>.

Trudy Coxe, Secretary
(signed)

March 15, 1996
Date

